

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 273

September 14, 1999, 3:42 p.m.
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DEPLORING CLEMENCY FOR TERRORISTS/Passage

SUBJECT: A resolution deploring President Clinton's grant of clemency to 16 FALN terrorists . . . S. J. Res. 33. Passage.

ACTION: JOINT RESOLUTION PASSED, 95-2

SYNOPSIS: As passed, S.J. Res. 33 will resolve, the House and the Senate concurring, "that making concessions to terrorists is deplorable and that President Clinton should not have granted clemency to the FALN terrorists." The resolution will make numerous findings, as follows: the Armed Forces of National Liberation (FALN) is a militant terrorist organization that claims responsibility for the bombing of approximately 130 civilian, political, and military sites throughout the United States; its reign of terror resulted in 6 deaths and the permanent maiming of dozens of others, including law enforcement officials; 16 members of the FALN were tried for numerous felonies against the United States, including seditious conspiracy; none of the 16 defendants contested any of the evidence presented by the United States; none of the defendants expressed any remorse for the crimes; not a single act of terrorism has been attributed to the FALN since the imprisonment of the 16 terrorists; no petitions for clemency were made by the terrorists, but other individuals sought such clemency for them; on August 11, 1999, President Clinton offered conditional clemency to the terrorists, all of whom had served less than 20 years in prison (the condition was that they had to renounce violence); the State Department in 1998 reiterated two longstanding tenets of counter-terrorism policy, which are that the United States will not make concessions to, or strike deals with, terrorists and that the United States will bring terrorists to justice for their crimes; the President's offer of clemency to the FALN terrorists violates longstanding tenets of United States counter-terrorism policy; and the release of terrorists is an affront to the rule of law, the victims and their families, and every American who believes that violent acts must be punished to the fullest extent of the law.

Those favoring passage contended:

(See other side)

YEAS (95)				NAYS (2)		NOT VOTING (3)	
Republican (53 or 100%)		Democrats (42 or 95%)		Republicans (0 or 0%)	Democrats (2 or 5%)	Republicans (2)	Democrats (1)
Abraham	Hutchinson	Baucus	Kennedy		Akaka	Gregg ⁻²	Graham ⁻²
Allard	Hutchison	Bayh	Kerrey		Wellstone	McCain ⁻²	
Ashcroft	Inhofe	Biden	Kerry				
Bennett	Jeffords	Bingaman	Kohl				
Bond	Kyl	Boxer	Landrieu				
Brownback	Lott	Breaux	Lautenberg				
Bunning	Lugar	Bryan	Leahy				
Burns	Mack	Byrd	Levin				
Campbell	McConnell	Cleland	Lieberman				
Chafee	Murkowski	Conrad	Lincoln				
Cochran	Nickles	Daschle	Mikulski				
Collins	Roberts	Dodd	Moynihan				
Coverdell	Roth	Dorgan	Murray				
Craig	Santorum	Durbin	Reed				
Crapo	Sessions	Edwards	Reid				
DeWine	Shelby	Feingold	Robb				
Domenici	Smith, Bob (I)	Feinstein	Rockefeller				
Enzi	Smith, Gordon	Harkin	Sarbanes				
Fitzgerald	Snowe	Hollings	Schumer				
Frist	Specter	Inouye	Torricelli				
Gorton	Stevens	Johnson	Wyden				
Gramm	Thomas						
Grams	Thompson						
Grassley	Thurmond						
Hagel	Voinovich						
Hatch	Warner						
Helms							

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

The FALN, a terrorist organization which wants to make Puerto Rico an independent nation, started an evil and cowardly bombing campaign in the United States in 1974. That campaign only ended when its core leadership was arrested and imprisoned in the early 1980s. In total, it detonated more than 130 bombs, which murdered 6 people and resulted in permanent, disabling injuries for dozens of others. Law enforcement agents, in a daring undercover operation, were able to penetrate the FALN and identify its leaders. Those leaders were filmed making bombs, their plans for additional terrorist attacks were uncovered, and some of them were even arrested as they were traveling in a van loaded with bombs and firearms. President Clinton, on August 11, offered clemency to these terrorists, and he did so against the advice of the Federal Bureau of Investigation, the Bureau of Prisons, and the Fraternal Order of Police. He offered that clemency even though the terrorists did not ask for it, and the only condition he attached was that they would have to renounce the use of violence. We imagine that Federal prisons would quickly empty if we let every violent prisoner go who promised he would not commit any more violent crimes. In this case, the terrorists are so radical that it took weeks for some of them to accept the offer, and four have refused it because they are unwilling to promise that they will not blow up any more innocent people.

President Clinton made his decision to release the FALN terrorists at the same time as his wife was campaigning for the Senate in New York. Many commentators believe he hoped to win votes for his wife from the large Hispanic population in New York City. However, law enforcement groups and victims rights groups were outraged, and his clemency offer did not poll well in New York State. His wife then opposed his granting of clemency, and the President denied that she was in any way involved in the decision or that he had any political motivations. The Clinton Administration has insisted that it is just coincidence that before this decision the President had only granted 3 out of the more than 4,000 clemency requests during his presidency, that in granting these terrorists clemency (which they had not even requested) he did not follow the procedures that have been in place since Grover Cleveland was President, that this time is the only time that he has granted clemency against the advice of law enforcement officials, and that he granted clemency even though the Justice Department did not take an official position as required.

As the degree of opposition to his freeing of terrorists became apparent, President Clinton looked for a way to justify his action. He made the contemptibly misleading statement that they had "served very long sentences for offenses that did not involve bodily harm to other people." His clear purpose in making that statement was to imply that they were in no way responsible for the years of mayhem, because they themselves had not been convicted of setting off the bombs. However, the President knows full well that they were the leaders of this murderous organization that regularly claimed "credit" for its terrorist attacks. Would the President offer the same excuse for Osama Bin Laden, the terrorist who runs the organization that blew up two United States embassies a year ago? The Senate just held a hearing at which survivors of FALN attacks and family members of victims who did not survive testified. One man told of how he had learned, on his ninth birthday, that his father was not coming home because he had been killed in an FALN attack. By bad luck he had happened to be eating in a restaurant that the FALN had decided to blow up.

The President has a constitutional right to offer clemency, but he is accountable to the American people. They have a right to know why he suddenly decided to give clemency. The civilian and law enforcement victims of the FALN especially have a right to know. Unfortunately, the President has refused to release the documents that show how he came to this decision, and he has even refused to allow any Federal law enforcement officers to testify in our hearings looking into this matter. What is he hiding?

Our great fear is that this release will encourage terrorist attacks against the United States by sending the message that the United States lacks resolve. Letting these terrorists go, perhaps for some secret reason that is contained in the documents the White House will not release, goes against the United States' longstanding policies of refusing to make deals with terrorists and of ensuring that they are punished for their cowardly crimes. Therefore, we have offered this resolution as a way of signaling to terrorists that Congress, on a bipartisan basis, opposes leniency for terrorists. Members on both sides of the aisle deplore the President's decision. No potential terrorist should be emboldened by the release of these criminals; their release should be viewed as an aberration rather than a change in policy. We urge all Senators to join us in opposing the President's decision by supporting this resolution.

While favoring the motion, some Senators expressed the following reservations:

The original draft of this resolution made some rather political charges against the President which were objectionable. Those have been removed. We can now support this resolution, but we note that it would be better if the Senate spent more time on passing appropriations bills, confirming judges, and taking care of other pressing business rather than considering resolutions such as the one before us, which clearly has some partisan motivations. With that said, we oppose clemency for terrorists, so we must support passage.

No arguments were expressed in opposition to passage.